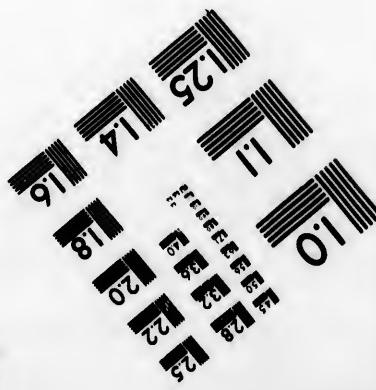
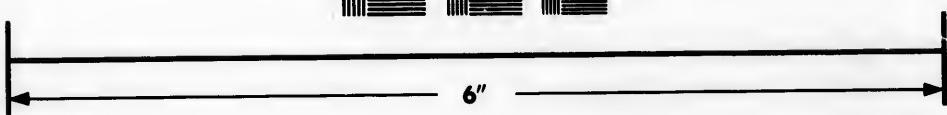
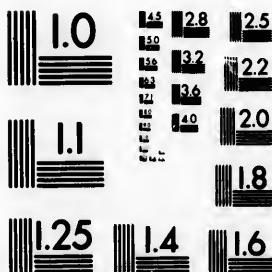


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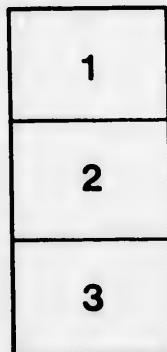
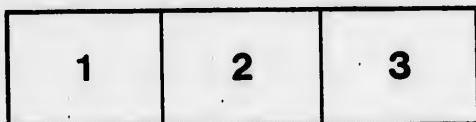
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136 *Règles de pratique* No. 11  
1852

# TABLES OF FEES

OF THE

## SUPERIOR COURT

AND

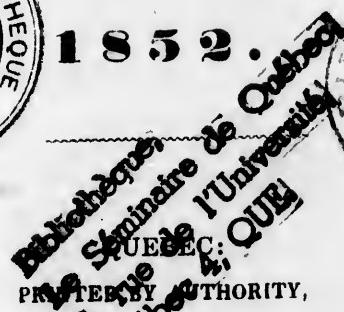
## CIRCUIT COURT,

FOR

## LOWER CANADA.

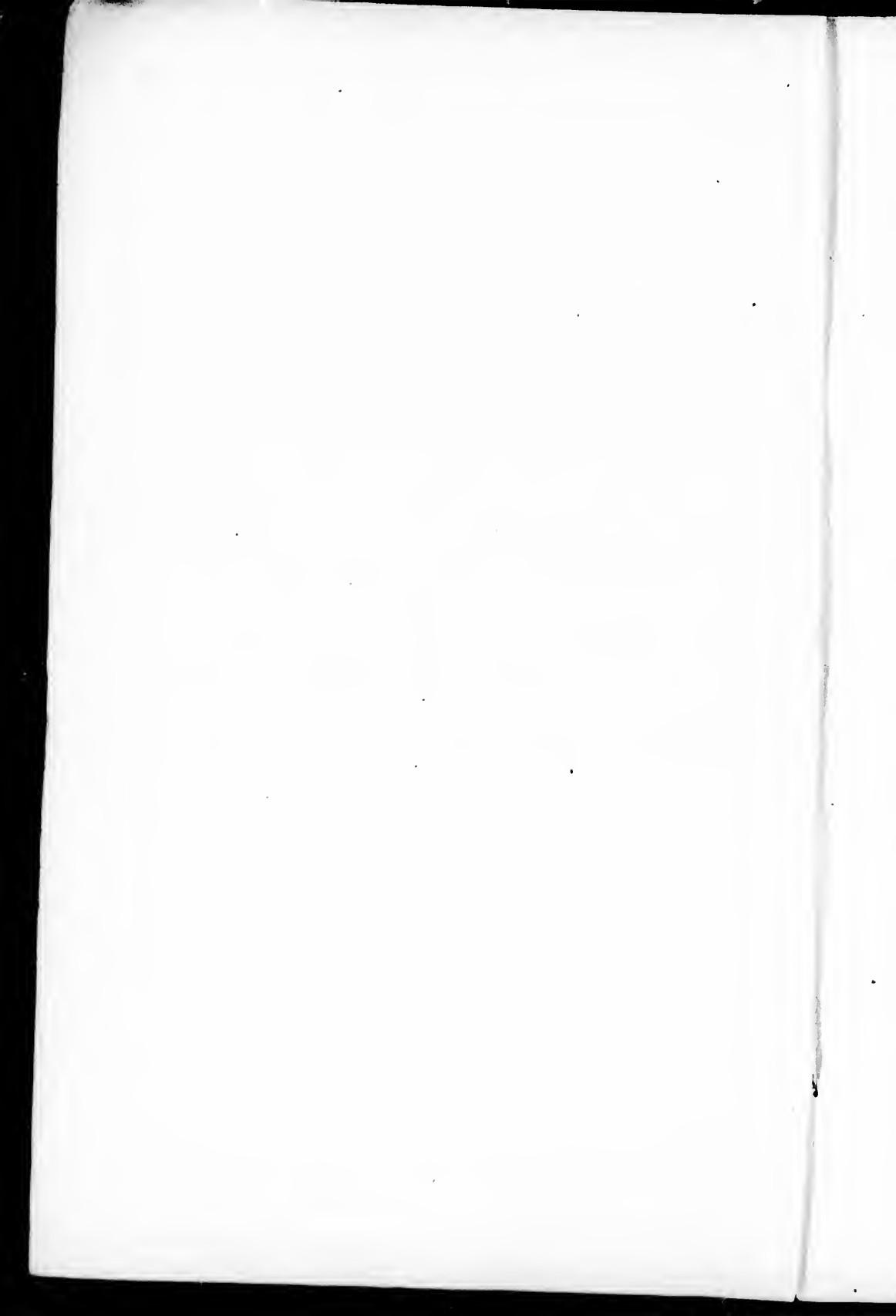


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**TABLE OF FEES.**

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L O W E R C A N A D A ,  
*Superior Court—Table.*

It is hereby ordered, that the following fees be allowed to the Counsel, Advocates and Attorneys practising in the Superior Court in actions to be instituted, and upon other proceedings to be commenced from and after the day on which the present Tariff shall be entered by the Prothonotaries of this Court in the Registers of the same as by Law directed; and the Tariff of fees for the Counsel, Advocates and Attorneys practising in this Court, the original whereof was entered in the registers of the said Court, at the City of Quebec, on the twenty-first day of December 1850, is hereby repealed in so far as regards actions to be instituted, and other proceedings to be commenced, from and after the day on which the present Tariff shall be so entered in the registers of this Court.

1st CLASS.			2nd CLASS.		
In personal actions if the matters in contest do not exceed £100 ; and in real and mixed actions not otherwise specially provided for ; and in actions <i>en estimation de tire</i> , also in actions <i>en déclaration de paternité</i> ; or <i>en séparation de biens</i> , or <i>en séparation de corps et de biens</i> .			In personal actions, if the matters in contest do not exceed £100 ; and are not otherwise provided for ; and in actions <i>en estimation de tire</i> , also in actions <i>en déclaration de paternité</i> ; and upon petitions <i>en destitution de tutelle ou de curatelle</i> .		
Plaintiff's Attorney	Defendant's Attorney	Plaintiff's Attorney	Defendant's Attorney	£ s. d.	£ s. d.
4	3	4	3	3	6

**ACTIONS NOT CONTESTED.**

- No. 1. If the action be settled before the return.....
2. If the action be settled, or if Defendant confess judgment, on the day of the return, or on the next following juridical day.....
3. If the action be settled, or if the Defendant confess judgment, after

ACTIONS NOT UNPRESSED.	Attorney.	Attorney.	Attorney.
	£ s. d.	£ s. d.	£ s. d.
No. 1. If the action be settled before the return.....	4 3 4	3	3 6 8
2. If the action be settled, or if Defendant confess judgment, on the			

- day of the return, or on the next following juridical day. ....

3. If the action be settled, or if the Defendant confess judgment, after the delay mentioned in the next preceding number, but before a plea filed, or inscription for *Enquête*, or inscription for final hearing on the merits where no *Enquête* is necessary. ....

4. If the action be settled after the inscription on the *Roll des Enquêtes*, but before the closing of the *Enquête*, or if the action be settled after the inscription for final hearing on the merits, where no *Enquête* is necessary, or if judgment be rendered on such last mentioned inscription. ....

5. If the action be settled after *Enquête* closed, or if judgment be rendered in such action after *Enquête*. ....

6. In any of the above cases in which the Defendant may have appeared by Attorney—to Defendant's Attorney. ....

Actions Contested.

7. If the action be settled after the filing of any plea, other than a plea to the merits, and without *Enquête* on such plea, or if the action be dismissed on such plea and without *Enquête*. ....

If there be an *Enquête* on any such plea, an additional fee of £2 10s. Od, to each Attorney. ....

8. If the action be settled after the filing of a plea to the merits, but

ACTIONS CONTESTED.

7. If the action be settled after the filing of any plea, other than a plea to the merits, and without *Enquête* on such plea, or if the action be dismissed on such plea and without *Enquête*. . . . .
  
  - If there be an *Enquête* on any such plea, an additional fee of £2 10s. Od., to each Attorney. . . . .
  
  8. If the action be settled after the filing of a plea to the merits, but

	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
before the inscription on the <i>Roll des Enquêtes</i> where an <i>Enquête</i> is necessary, or before the inscription for final hearing, where no <i>Enquête</i> is necessary.....	8	6	8	6	13	4	6	13	4	5	6	8
9. If the action be settled after the inscription on the <i>Roll des Enquêtes</i> , but before the inscription for final hearing.....	9	7	6	7	10	0	7	10	0	6	0	0
10. If the action be settled after the inscription for final hearing, or if judgment be rendered on such hearing.....	12	10	0	10	0	0	10	0	0	8	0	0

- 11 The costs in actions *en revendication* for moveables to be taxed as against the Plaintiff according to the value of the property claimed, and as against the Defendant according to the value of the property for which judgment is rendered. Hypothecary actions and actions for Seigniorial dues where the title of the Seignior is not contested, are to be considered in respect of costs as merely personal actions. The costs in actions *en reddition de comple*, to be taxed as against the Plaintiff, according to the amount demanded, and as against the Defendant, according to the amount for which he is accountable. In any action of ejectment under the lessors and lessees Act 3. Wm. IV. Chap. 1, the costs to be as in a personal action (in the Superior Court or Circuit Court as the case may be) for a sum of money equal to the rent of the premises leased for the year current at the time of the institution of the action, or if the lease shall have expired, then for the last year to which the lease extended; save and except cases in which the annual rent shall not exceed £15 in which the costs shall be according to the 3rd class of appealable cases in the Circuit Court. In actions for sums of money under £50 instituted by writ of *Cap. ad resp.* in the Superior Court, the costs to be as in actions in the Circuit Court for like sums; excepting that if the sum for which a writ of *capias ad respondendum* be sued out do not exceed £15 cy. the costs shall be as in an appealable action of the 3rd class in the Circuit Court.
- 12 In actions of damages for personal wrongs (excepting in actions in which the Court or Jury shall find the damages to be under forty shillings sterling) the costs to be taxed as of the class to be determined by the final judgment.

- 13
- 14
- 15
- 16
- 17
- 18

- 16 Circuit Court. In actions for sums of money under £50 instituted by writ of *Cap. ad resp.* in the Superior Court, the costs to be as in actions in the Circuit Court for like sums; excepting that if the sum for which a writ of *capias ad respondendum* be sued out do not exceed £15 cy. the costs shall be as in an appealable action of the 3rd class in the Circuit Court.
- 17 In actions of damages for personal wrongs (excepting in actions in which the Court or Jury shall find the damages to be under forty shillings sterling) the costs to be taxed as of the class to be determined by the final judgement.
- 18 In any case where the Defendants sever in their defence, the Plaintiff's attorney shall receive on each additional issue one half of the sum which he would have received had there been but one issue, the whole amount to be payable in equal proportions by the party or parties to each issue.

### *Superior Court—Additional Fees.*

No.	£	s.	d.
11.	0	5	0
12. Affidavit to obtain <i>Cap. ad resp.</i> :— <i>Sa. rev.</i> :— <i>Su. ar.</i> :—or <i>Saisie gagerie</i> , when affidavit required and action commenced by such process.....	0	10	0
13. If a writ of <i>Capias ad respondendum</i> or any writ of attachment against moveables be sued out at any time after the institution of the action (affidavit included),— To the Attorney suing out same..... if action of 1st class..... if action of 2nd class.....	3	0	0
14. On any exception <i>déclinaire</i> , <i>dilatoire</i> or <i>péremptoire à la forme</i> , or <i>défense au fonds en droit</i> overruled,— To the Plaintiff's Attorney..... To the Defendant's Attorney.....	1	10	0
15. On any other plea overruled, after law issue raised upon it,— To the successful party..... To the opposite party.....	1	3	4

	£ . d.
16. On any <i>exception dilatoire</i> maintained,— To the Defendant's Attorney .....	3 10 0
22. To the Plaintiff's Attorney .....	2 6 8
The fees allowed in the foregoing Nos. 14 & 16 are exclusive of the fee allowed where an <i>Enquête</i> takes place upon any preliminary plea.	
17. If the Plaintiff be permitted to amend his declaration after the filing of an <i>exception à la forme</i> ,— To the Defendant's Attorney .....	1 15 0
18. If the Plaintiff be permitted to amend his declaration after the filing of a <i>défense au fonds en droit</i> ,— To the Defendant's Attorney .....	2 6 8
19. For all proceedings on any petition, motion or rule, not specially provided for, upon which costs are ordered to be paid,— To the party to whom costs are awarded .....	0 11 8
20. For all proceedings respecting the putting in of security, in any case not otherwise provided for,— To each Attorney .....	0 11 8
21. Fee for counsel at <i>Enquête</i> in any contested cause whether tried by Jury or not, this fee not to be allowed unless an appearance be filed by the counsel retained,— To each, .....	2 6 8 if action of 1st class..... 1 15 0 if action of 2nd class.....
22. In cases to be tried by Jury,— To each Attorney for preparation of facts required by rule 72,..... if action of 1st. class..... if action of 2nd class.....	1 10 0 1 0 0
23. On any re-hearing on the merits, ordered in a contested action,— To each Attorney .....	2 6 8 if action of 1st class..... if action of 2nd class..... 1 15 0

22.	In cases to be tried by Jury,— To each Attorney for preparation of facts required by rule 72,..... if action of 1st class..... if action of 2nd class.....		1	10	0	1	10	0
23.	On any re-hearing on the merits, ordered in a contested action,— To each Attorney .....		2	6	8	1	6	8
	if action of 1st class..... if action of 2nd class.....		1	15	0	1	15	0
24.	On any re-hearing ordered upon any pleading,— To each Attorney .....		1	3	4	1	3	4
25.	On any re-hearing ordered upon any rule or other proceeding not specially provided for— To each Attorney .....		0	11	8	0	11	8
26.	For all proceedings on a <i>reprise d'instance</i> , by petition or motion of the <i>repréenant l'instance</i> ,— To the Attorney rep't. l'instance..... To the Attorney of adverse party.....		2	6	8	1	3	4
27.	Costs as in the principal action if the <i>reprise d'instance</i> be contested, or if it be made by action; and also on proceedings to have judgment declared executory,—		0	0	6	0	0	6
28.	On every copy of Subpenna certified by the Attorney.....		0	0	6	0	0	6
29.	For all proceedings on suing out a Writ of Execution.....		0	6	8	0	6	8
30.	For all proceedings on suing out a Writ of <i>Saisie arrêt</i> after Judgment,—							
31.	If the declaration of the <i>Tiers Saisi</i> be not contested,— To the Attorney suing out same.....		2	6	8	1	15	0
	if action of 1st class..... if action of 2nd class.....		1	15	0	1	15	0
32.	For every <i>Tiers Saisi</i> above three, 5s. each,—							

37. If the amount of the collocation contested exceed £50, and do not exceed £100,—  
To the Attorney of the party contesting.....

30. For all proceedings upon a contestation of a report of distribution, if the contestation be not withdrawn or acquiesced in, before the inscription for final hearing on the merits, when the amount of the collocation contested is above £100,—  
To the Attorney of the party contesting.....  
To the Attorney of the creditor claiming.....

	£ s. d.	£ s. d.
37. If the amount of the collocation contested exceed £50, and do not exceed £100,— To the Attorney of the party contesting..... To the Attorney of the creditor claiming.....	3 6 8 2 10 0	3 6 8 2 10 0
38. If the amount of the collocation contested, exceed £20, and do not exceed £50,— To the Attorney of the party contesting..... To the Attorney of the creditor claiming..... To the Attorney of the party claiming.....	2 10 0 2 0 0 2 0 0	2 10 0 1 10 0
39. If the amount of the collocation contested do not exceed £20,— To the Attorney of the party contesting .....	2 0 0	2 0 0
40. If the contestation be withdrawn or acquiesced in, before the inscription for final hearing on such contestation, one half of the above Fees according to the class. To each Attorney.....	2 6 8	2 6 8
c 41. For all the proceedings after Judgment ordering an account to be rendered in any action en <i>reddition, de compte</i> , if the account be acquiesced in without <i>debatis</i> ,— To each Attorney.....	2 6 8	2 6 8
42. If the account be contested, the costs to be the same as in a contested personal action ; the class to be determined by the amount for which the <i>rendant compte</i> shall be declared accountable beyond the amount admitted to be due, by the account filed, if the costs be payable by the <i>rendant compte</i> ; and by the amount claimed by the <i>debatis de compte</i> , if the cost be payable by the <i>oyant compte</i> .	2 6 8	2 6 8
43. In actions <i>en séparation de biens</i> or <i>en séparation de corps et de biens</i> ,— For all proceedings to liquidate the matrimonial rights of the Plaintiff,— If not contested, to Plaintiff's Attorney..... If contested, to each Attorney.....	5 0 0	5 0 0

	£	s.	d.
	1	3	4
44. For all proceedings to cause a Curator to be appointed to a <i>délaissement</i> , in any hypothecary action.....	1	3	4
And to the Curator £1. 3s. 4d.			
45. INTERVENTIONS, &c.			
Costs on interventions and incidental cross demands to be the same as on original demands of same class.			
OPPOSITIONS.			
Oppositions <i>afin de conserver</i> not contested,—			
46. If the sum do not exceed £20.....	2	0	0
47. If it exceed £20, and do not exceed £50..	2	6	8
48. If it exceed £50 and do not exceed £100.....	2	16	8
49. If it exceed £100.....	3	6	8
50. If contested, costs to be same as in a personal action for the same amount in the Superior Court or Circuit Court as the case may be, excepting that the costs upon the contestation of any opposition for a sum not exceeding £15, shall be the same as in contested actions of the <i>third</i> class of appealable cases in the Circuit Court.	3	6	8
51. Oppositions <i>afin de distraire</i> , <i>afin d'annuler</i> , or <i>afin de charge</i> , if not contested.....	3	6	8
52. If contested, costs to be as in actions of the 2nd class.			

or Circuit Court as the case may be, excepting that the costs upon the contestation of any opposition for a sum not exceeding £15, shall be the same as in contested actions of the third class of appealable cases in the Circuit Court.

51. Oppositions *afin de distraire*, *afin d'annuler*, or *afin de charge*, if not contested.....  
3 6 8  
52. If contested, costs to be as in actions of the 2nd class.

#### RATIFICATIONS OF TITLE.

For all the proceedings to obtain a sentence of Ratification of Title,—

53. To the petitioner's Attorney if purchase money do not exceed £100.....  
3 10 0  
54. If purchase money exceed £100, and do not exceed £250, or if the consideration be not of a pecuniary nature.....  
5 0 0  
55. If purchase money exceed £250.....  
6 5 0

56. Fees on Oppositions to sentence of Ratification of Title and on contestations thereof to be the same as on Oppositions to executions and contestations thereof.

Proceedings under 12 Vic : C : 41.—

57. The costs upon proceedings under any writ (excepting writs of certiorari) sued out under this Statute, to be the same as in actions of the 2nd class.

#### WRITS OF CERTIORARI.

58. If settled after the motion to file any such writ,—  
To petitioner .....
59. If not settled before such motion,—  
To petitioner.....  
To respondent .....
- 2 6 8  
3 10 0  
2 10 0

*Commissions Rogatoires* and Orders for the examination of Witnesses,—

	£	s.	d.
60. To the Attorney suing out the same.....	0	15	0
61. For the drawing of Interrogatories or cross Interrogatories .....	1	0	0
To the Attorneys engaged where the writ or order is executed,—			
62. For taking instructions, examining the papers &c. &c. &c., to each.....	1	3	4
63. For examining or cross-examining any Witness.....	0	5	0
64. To the Attorney prosecuting the execution of the writ or order, an additional Fee of .....	1	0	0
PROBATES.			
65. For all Fees to obtain probate of any Will.....	2	10	0
EVOCATIONS.			
66. If the Evocation be maintained, the costs to be the same as in actions of the second class, which costs shall include all services in both Courts,—			
67. If evocation be rejected to each Attorney .....	1	3	4
Appeals from Bankrupt Court,—			
68. On every contested Appeal which shall be prosecuted to final hearing,— To Attorney of Appellant.....	7	10	0
If Appeal be not contested,—			
69. To Attorney of Appellant.....	5	16	8

**Appeals from Bankrupt Court,—**

	£ s. d.
68. On every contested Appeal which shall be prosecuted to final hearing,— To Attorney of Appellant.....	7 10 0
If Appeal be not contested,—	5 16 8
69. To Attorney of Appellant.....	5 16 8
If Appeal be dismissed or settled before final hearing—To Attorney of Appellant.....	3 10 0
To Attorney of Respondent.....	2 6 8

**APPEALS FROM CIRCUIT COURT.**

70. If contested—To the Attorney of Appellant.....	5 0 0
To the Attorney of Respondent.....	3 0 0
71. If not contested,—To the Attorney of Appellant.....	3 0 0
72. If Appeal be dismissed or settled before final hearing on the merits,—	
To the Attorney of Appellant.....	2 10 0
To the Attorney of Respondent.....	1 15 0

**INSCRIPTIONS EN FAUX.**

73. If settled before *moyens de faux* are filed, each motion required by the rules of this Court, and also the declaration to be made by the defendant *en faux* as to whether he intends to avail himself of the document impeached, shall be taxed as a motion according to the foregoing No. 19.

If settled after the *moyens de faux* are filed, but before the answer, the Fees of the Attorney of the Plaintiff *en faux* shall be as in No 1, of the Table, and the Fees of the Attorney of the Defendant *en faux* shall be as in No. 6, of the Table, and if the settlement take place at any subsequent stage of the proceedings, or if Judgment be rendered on such inscription *de faux*, the costs shall be as in the original demand, if settled at a like stage.

MONTREAL, 30th June, 1852.

EDWARD BOWEN, CHIEF JUSTICE,

D. MONDELET, J. S. C.

R. H. GARDNER, J. S. C.

J. SMITH, J. S. C.

G. VANFELSON,

E. BACQUET J. C. S.

9 Juillet, 1852.

CHARLES MONDELET, J. S. C.

J. DUVAL, J.

W. C. MEREDITH, J. S. C.

Registered and entered at Quebec, this 20th July, 1852.

BURROUGHS & FISSET,

Proth. S. C.

SUPERIOR COURT

PROVINCE OF CANADA, {  
THE ATTORNEY GENERAL  
OF QUEBEC

Proth. S. C.

PROVINCE OF CANADA, {  
DISTRICT OF QUEBEC.

SUPERIOR COURT.

We, the undersigned, Joint Prothonotary, for the District of Quebec, of the Superior Court for Lower Canada, do hereby certify that the foregoing Table of Fees allowed to the Counsel, Advocates and Attorneys practising in the Superior Court, is a true copy of the original Table of Fees for the said Superior Court for Lower Canada, deposited of record in our Office, and duly registered and entered by us in the Registers of the said Court, on the twentieth day of July in the Year of Our Lord one thousand eight hundred and fifty two, pursuant to the provisions of the Law in such case made and provided.

PROTHONOTARY'S OFFICE,

Quebec,

L O W E R C A N A D A.

# LOWE R C A N A D A.

## *Superior Court.*

It is ordered that the following fees be allowed to the Bailiffs of this Court for services to be performed from and after the day on which the present Tariff shall be entered by the Prothonotaries of this Court in the Registers of the same as by law required; and the Tariff of Fees for the Bailiffs of this Court, the original whereof was entered in the Register of the said Court, at the City of Quebec, on the twenty-first day of December, 1850, is hereby repealed in so far as regards services to be performed by the Bailiffs of this Court from and after the day on which the present Tariff shall be so entered in the Registers of this Court.

E

### *To the Bailiffs.*

	£	s	d
For the service of any notice or other paper, upon an Attorney as such, including return.....	0	1	0
For the service of a Writ of Subpoena on each witness, including return.....	0	1	6
For the service of any Writ of Summons or other writ or paper not otherwise provided for, including return.....	0	2	0
For the service of any Writ or other document required by law to be served personally, including return .....	0	2	6
For all proceedings on the arrest of any person, including return when required.....	0	10	0
For the seizure of Real Estate, or the seizure or attachment of moveables, including original process verbal and copies for the <i>Saisi</i> and for the guardian to moveables.....	0	12	6
If more than one lot of land included in any seizure, for each additional lot.....	0	2	6

	£ s. d.
For every publication in both languages at the Church door, not otherwise provided for, including affiches, affixing same, &c.....	0 2 6
For the sale of real or personal property, including <i>procès verbal</i> of Sale, and copy.....	0 10 0
If more than one lot of land be sold under the same Writ, for each additional lot sold.....	0 2 6
For a <i>procès verbal</i> of no goods or no lands including copy, if required.....	0 2 6
For a <i>procès verbal à Justice</i> and copy.....	0 5 0
For all services executing a Writ of possession, including <i>procès verbal</i> .....	0 10 0
For Recors when required.....	0 2 6
If Recors necessarily employed more than half a day at the rate of 3s. 4d. per day, For the appointing of a new guardian when legally required so to do, including process verbal, copy &c.....	0 5 0
For the posting and publication of Ex parte Notices for a Ratification of Title, including return, &c. For the attendance on Jury Trials under the direction of the Sheriff <i>per diem</i> (when required).....	1 0 0
In any case in which in consequence of more than one person being interested in the property seized or sold an additional Copy or Copies of a <i>procès verbal</i> is or are necessary for each extra Copy so required.....	0 5 0
If in consequence of the quantity of goods to be seized or sold, a Bailiff is necessarily occupied more than one day, in making such Seizure or Sale, the additional time when certified by the Sheriff, to be charged at the rate of 10s. per day.....	0 2 6
If any paper to be prepared by a Bailiff excepting <i>procès verbaux</i> of seizure of real estate, necessarily contains more than 300 words, the additional words to be charged at the rate of four pence per 100 words, in addition to the fees hereinbefore allowed.	0 10 0
Mileage on the Service or Execution of a Writ or of Process of a kind, at the rate of one shil- ling per mile as heretofore, without any further charge for mileage on any other process to be served on the same party then in the hands of the Bailiff, and which shall be or might have been served at the same time, (whether such process shall have been sued out by the same party or by any other,) and without any charge for mileage in returning, but exclusive of sums paid at Toll-	

Montreal, 30th June, 1852.

Mileage on the Service or Execution of a Writ or of Process of a kind, at the rate of one shilling per mile as heretofore, without any further charge for mileage on any other process to be served on the same party then in the hands of the Bailiff, and which shall be or might have been served at the same time, (whether such process shall have been sued out by the same party or by any other,) and without any charge for mileage in returning, but exclusive of sums paid at Toll.

Montreal, 30th June, 1852.

EDWD. BOWEN, CHIEF JUSTICE,  
D. MONDELET, J. S. C.  
R. H. GAIRDNER, J. S. C.  
J. SMITH, J. S. C.  
G. VANFELSON,  
E. BACQUET, J. C. S.  
CHARLES MONDELET, J. S. C.  
J. DUVAL, J.  
W. C. MEREDITH, J. S. C.  
9 Juillet. 1852.

Registered and entered at Quebec, this 20th July, 1852.

BURROUGHS & FISSET,

Proth. S. C.

PROVINCE OF CANADA, {  
DISTRICT OF QUEBEC.

SUPERIOR COURT.

We the undersigned, joint Prothonotary, for the District of Quebec, of the Superior Court for Lower Canada, do hereby certify that the foregoing Table of Fees to be allowed to the Bailiffs in the said Superior Court for Lower Canada, is a true copy of the Original Table of Fees to be allowed to the Bailiffs in the said Court, deposited of record in our Office, and duly registered and entered by us in the Registers of the said Superior Court, on the twentieth day of July, in the Year of Our Lord one thousand eight hundred and fifty two, pursuant to the provisions of the Law in such case made and provided.

PROTHONOTARY'S OFFICE,

Quebec,

18

P. S. C.

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## TABLE OF FEES,

*Circuit Court.*

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# LOWE R C A N A D A,

## *Circuit Court—Table.*

It is hereby ordered, that the following fees be allowed to the Counsel, Advocates and Attorneys practising in the Circuit Court, in actions to be instituted, and upon other proceedings to be commenced from and after the day on which the present Tariff shall be entered by the Clerks of this Court in the Registers of the same as by Law directed; and the Tariff of fees for the Counsel, Advocates and Attorneys practising in this Court, the original whereof was entered in the registers of the Superior Court, at the City of Quebec, on the twenty-first day of December 1850, is hereby repealed in so far as regards actions to be instituted, and other proceedings to be commenced, from and after the day on which the present Tariff shall be so entered in the registers of this Court.

1 <sup>st</sup> CLASS.				2 <sup>nd</sup> CLASS.				3 <sup>rd</sup> CLASS.			
Actions in which the sum of money or value of the thing demanded exceeds £30 and does not exceed £50.				Actions in which the sum of money or value of the thing demanded exceeds £50 and does not exceed £20.				Actions in which the sum of money or value of the thing demanded exceeds £15 and does not exceed £20.			
£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
2	6	8	0	0	0	1	16	8	0	0	0
3	0	0	0	0	0	2	10	0	0	0	0
									1	15	0
									0	0	0

### ACTIONS NOR CONTESTED.

- No. 1. If the action be settled before the return... .
  2. If the action be settled, or if the Defendant confess Judgment on the day of the return, or on the next following Juridical day.... .
    3. If the action be settled, or if the Defendant confess Judgment after the delay mentioned in the next preceding number, but before

No. 1. If the action be settled before the return...

2. If the action be settled, or if the Defendant confess Judgment on the day of the return, or on the next following Unfiled 1-1

3. If the action be settled, or if the Defendant confess Judgment after the delay mentioned in the next preceding number, but before plea filed, or inscription for *Enquête*, or inscription for final hearing on the merits, where no *Enquête* is necessary . . . . .

4. If the action be settled after the inscription on the Roll *des Enquête*, but before the closing of the *Enquête*, or if the action be settled after inscription for final hearing on the merits, where no *Enquête* is necessary; or if Judgment be rendered on such last mentioned inscription.....

5. If the action be settled after *Enquête* closed, or if Judgment be rendered in such action after *Enquête* . . . . .

6. In any of the above cases in which the Defendant may have appeared by Attorney, —  
To Defendant's Attorney.

## ACTIONS CONTESTED.

7. If the action be settled after the filing of any plea other than a plea to the merits and without *Enquête* on such plea; or if the action be dismissed on such plea without *Enquête*.....

	<b>£</b>	<b>s.</b>	<b>d.</b>									
8. If there be an <i>Enquête</i> on any such plea an additional fee of £1 10 0, to each Attorney.	4	13	4	3	13	4	3	0	0	3	0	2
9. If the action be settled after the filing of a plea to the merits, but before the inscription on the Roll des <i>Enquêtes</i> where an <i>Enquête</i> is necessary, or before the inscription for final hearing where no <i>Enquête</i> is necessary.....	5	0	4	2	6	4	2	6	3	7	6	2
10. If the action be settled after the inscription on the Roll des <i>Enquêtes</i> , but before the inscription for final hearing.....	7	0	5	10	0	5	10	0	4	10	0	3
												10 0

In any case where there are more Defendants than one, and where they sever in their defence—**To Plaintiff's Attorney** on each additional issue one half of the sum he would have received, had there been but one issue, the whole amount payable in equal proportions by the party or parties to each issue.

The costs in actions *en rédition de compte* to be taxed as against the plaintiff according to the amount demanded ; and as against the Defendant according to the amount for which he is accountable.

In actions of damages for personal wrongs, (excepting in actions in which the Court or Jury shall find the damages to be under forty shillings sterling) the costs to be taxed as of the class to be determined by the final Judgment.

In any action of ejectment under the Lessor's and Lessee's Act. 3. Wm. IV. Chap. I. the costs to be as in a personal action for a sum of money equal to the rent of the premises leased, for the year current at the time of the initiation of the action, or if the lease shall have expired, then for the last year to which the lease extended, save and except in cases in which the annual rent shall not exceed £15, in which cases the costs shall be according to the third class

and as against the Defendant according to the amount for which he is accountable.

In actions of damages for personal wrongs, (excepting in actions in which the Court or Jury shall find the damages to be under forty shillings sterling) the costs to be taxed as of the class to be determined by the final Judgment.

In any action of ejectment under the Lessors and Lessees Act. 3. Wm. IV. Chap. I. the costs to be as in a personal action for a sum of money equal to the rent of the premises leased, for the year current at the time of the institution of the action, or if the lease shall have expired, then for the last year to which the lease extended, save and except in cases in which the annual rent shall not exceed £15, in which cases the costs shall be according to the third class of Appealable cases in this Court.

## ADDITIONAL FEES TO TABLE.

### Appealable Cases—Circuit Court.

	£	s.	d.
No. 11. For the second and every additional copy of the Plaintiff's declaration.....	0	3	4
12. For Affidavit to obtain <i>Saisie Arrêt, Saisie Revendication</i> or <i>Saisie Gagerie</i> , when affidavit required and action commenced by such process.....	0	7	6
13. If any writ of attachment against moveables be sued out at any time after the institution of the action,— To the Attorney suing out the same.....	1	10	0
14. On every <i>exception déclinatoire, dilatoire</i> or <i>péremptoire à la forme</i> , and on every <i>défense au fonds en droit</i> , overruled,— To the Plaintiff's Attorney..... To the Defendant's Attorney.....	1	0	0
15. On any other plea overruled, after law issue raised upon it,— To the Attorney of the successful party..... To the opposite party.....	0	15	0

	£	s.	d.
16. To the Defendant's Attorney on every <i>exception dilatoire</i> maintained.....	1	5	0
To Plaintiff's Attorney .....	0	12	6
17. The fees allowed in the foregoing Nos. 14 & 16, are exclusive of the fee allowed when an <i>En-queule</i> takes place upon any preliminary plea.			
18. If the Plaintiff be permitted to amend his declaration after the filing of an <i>exception à la forme</i> ,— To the Defendant's Attorney .....	0	15	0
19. If the Plaintiff be permitted to amend his declaration after the filing of a <i>défense au fonds en droit</i> ,— To the Defendant's Attorney .....	1	5	0
20. For all proceedings on any petition, motion or rule, not specially provided for, upon which costs are ordered to be paid,— To the party to whom costs are awarded .....	0	6	8
21. For all proceedings respecting the putting in of security,— To each Attorney .....	0	6	8
22. On any re-hearing upon the merits ordered by the Court in any contested cause,— To each Attorney .....	1	3	4
On any re-hearing ordered upon any pleading,— To each Attorney .....	0	13	4
On any re-hearing ordered upon any rule or other proceeding, not specially provided for,— To each Attorney .....	0	6	8
23. For all proceedings on a <i>reprise à instance</i> , by petition or motion of the <i>reprévenant</i> or <i>defender</i> ,— To the Attorney <i>reprévenant l'instance</i> . .....	1	3	4
To the Attorney of the opposite party .....	0	11	8

On any re-hearing ordered upon any pleading,—  
To each Attorney.....

On any re-hearing ordered upon any rule or other proceeding, not specially provided for,—

To each Attorney.....

23. For all proceedings on a *Reprise d'instance*, by petition or motion of the *reprévenant instance*,

To the Attorney *reprévenant l'instance*.

To the Attorney of the opposite party.....

24. Costs as on the original action if the *reprise d'instance* be contested, or if it be made by action, and also on proceedings by action to have judgment declared executory.

25. On every Copy of *Subpœna* certified by the Attorney.....

26. For all proceedings on suing out a Writ of Execution.....

27. For all proceedings on suing out a Writ of *Saisi arrêt* after Judgment, if the declaration of the *Tiers Saisi* be not contested.....

And for every additional *Tiers Saisi* above the number of three,—3s. 4d. each.

If contested, the costs to be the same as in a contested personal action ; the class to be determined by the judgment against the *Tiers Saisi*, if the costs be payable by the *Tiers Saisi*, and by the amount claimed by the contestation, if the costs be payable by the party contesting the declaration.

28. For all proceedings for a *contrainte par corps*, or for the imprisonment of any party, or for a Writ of possession, or to obtain a *scellé*, or the removal thereof, or on any application to obtain possession of goods seized under *mesne process*,—  
To the Attorney of the applicant, if no cause shewn.....

29. If cause shewn, but without *Enquête*,—

To the Attorney of the applicant.....

To the Attorney shewing cause.....

0 13 4

0 6 8

0 11 8

1 3 4

0 11 8

0 6 8

0 11 8

1 3 4

0 6 6

0 3 4

1 3 4

0 13 4

0 13 4

1 0 9

0 13 4

	£ s. d.
30. In an <i>Enquête</i> be necessary upon any proceeding mentioned in the foregoing number 28, or upon any other incidental proceeding—there shall be allowed to each Attorney.....	1 5 0
31. For prosecuting to Judgment a report of distribution not contested.....	1 0 0
32. For all proceedings upon a contestation of a report of distribution which shall be withdrawn or acquiesced in, before the inscription for final hearing on the merits, when the amount of the collocation contested exceeds £20,— To the Attorney contesting.....	2 0 0
To the Attorney claiming.....	1 10 0
33. When the amount of the collocation contested does not exceed £20,— To the Attorney contesting.....	1 3 4
To the Attorney of the party claiming.....	0 16 8
34. If the contestation be withdrawn or acquiesced in, before the inscription for final hearing on the merits, one-half of the above Fees according to the class,	
35. For all proceedings after Judgment ordering account to be rendered in any action <i>en reddition de compte</i> , if the account be not contested,— To each Attorney.....	1 5 0
36. If the account be contested, the costs to be the same as in a contested personal action, the class to be determined by the amount for which the <i>rendant compte</i> shall be declared accountable, beyond the amount admitted to be due by the account filed, if the costs be payable by the <i>rendant compte</i> ; and by the amount claimed by the <i>debats de compte</i> , if the cost be payable by the <i>oyant compte</i> .	
37. For all proceedings to cause a Curator to be appointed to <i>délaissement</i> , in any hypothecary action..... And to the Curator.....	0 15 0 0 15 0

beyond the amount admitted to be due by the account filed, if the costs be payable by the *rendant compte*; and by the amount claimed by the *debats de compte*, if the cost be payable by the *oyant compte*.

37. For all proceedings to cause a Curator to be appointed to *délassement*, in any hypothecary action.....  
And to the Curator .....

0 15 0  
0 15 0

INTERVENTIONS, &c.

38. Costs on Interventions and Incidental cross demands to be the same as on original demands of the same class.

OPOSITIONS AFIN 'DE CONSERVER, if not contested,—

39. If the sum due, do not exceed £20.....  
40. If the sum due, exceed £20.....  
  
41. If contested, costs to be the same as on an original demand for the same amount, excepting that the contestation of any opposition for a sum not exceeding £15, shall be same as in a contested action of the third class of appealable cases.  
  
42. On any opposition *afin de disposer* or *afin d'annuler*, not contested.....  
  
If contested, the same fees as in an action of the second class.

COMMISSIONS ROGATOIRES AND ORDERS for the examination of Witnesses,—

43. To the Attorney suing out same.....  
  
44. For drawing Interrogatories or Cross-Interrogatories .....
- To the Attorneys engaged where the writ or order is executed.
45. For taking instructions, examining the papers, &c. &c.—To each Attorney.....  
46. For the examination in chief or cross-examination of each witness .....

1 10 0  
0 10 0  
0 13 4  
1 0 0  
0 3 4

	£ s. d.
47. To the Attorney prosecuting the execution of any such writ or order, an additional Fee of .....	0 13 4
APPEALS.	
48. On an appeal to the Circuit Court, if contested,—	
To the Appellant's Attorney.....	3 10 0
To the Respondent's Attorney.....	2 6 8
49. If not contested,—	
To the Attorney of Appellant.....	2 6 8
50. If Appeal be dismissed or settled before final hearing on the merits,—	
To the Attorney of the Appellant.....	1 15 0
To the Attorney of the Respondent.....	1 3 4
PROBATES.	
51. For all Fees to obtain probate of any Will.....	2 10 0
INSCRIPTIONS DE FAUX.	
52. If settled before the <i>moyens de faux</i> are filed, each motion required by the rules of this Court, and also the declaration to be made by the defendant <i>en faux</i> , as to whether he intends to avail himself of the document impeached, shall be taxed as a motion according to the foregoing No. 20.	
If settled after the <i>moyens de faux</i> are filed, but before answer, the Fees of the Attorney of the Plaintiff <i>en faux</i> shall be as in No. 1, of Table. And the Fees of the Defendant <i>en faux</i> shall be as in No. 6, of the same Table ; and if the settlement take place at any subsequent stage of the proceedings, or if Judgment be rendered, the costs shall be the same as in the original demand at a like stage.	

If settled after the *moyens de faux* are filed, but before answer, the Fees of the Attorney of the Plaintiff *en faux* shall be as in No. 1, of Table. And the Fees of the Defendant *en faux* shall be as in No. 6, of the same Table; and if the settlement take place at any subsequent stage of the proceedings, or if Judgment be rendered, the costs shall be the same as in the original demand at a like stage.

### *Non-Appealable Cases.—Table of Fees.*

	1ST CLASS.	2ND CLASS.	3RD CLASS.						
	Actions £15, Actions £10, or under but above £10.								
	£	s.	d.	£	s.	d.	£	s.	d.
<b>To THE ATTORNEY.</b>									
On all proceedings in actions settled before return (except those on which additional Fees are hereinafter allowed)—									
To the Plaintiff's Attorney.....	0	10	0	0	5	0	0	3	4
On all proceedings (except as aforesaid) in actions settled after return, and before contestation, or in which Judgment shall be given on confession, or by default, or <i>Ex parte</i> without <i>Enquête</i> , that is to say, without the examination in Court of any witness or party,—									
To the Plaintiff's Attorney.....	0	15	0	0	7	6	0	5	0
And to the Defendant's Attorney.....	0	10	0	0	5	0	0	2	6
On the same, if the Judgment be given by default or <i>Ex parte</i> , but with <i>Enquête</i> ,—									
To the Plaintiff's Attorney.....	1	0	0	0	10	0	0	7	6
And to the Defendant's Attorney.....	0	10	0	0	5	0	0	2	6
On the same, in actions discontinued after contestation,—									
To the Plaintiff's Attorney.....	1	0	0	0	10	0	0	5	0
And to the Defendant's Attorney.....	0	15	0	0	10	0	0	5	0



On a *Saisie Arrêt* after Judgment, when there is no contestation.....  
If declaration of *Tiers Saisie* be contested, same Fees as in an Original action for  
a like sum.

	£	s.	d.									
On suing out any Writ of <i>Saisie Gagerie</i> , <i>Saisie Revendication</i> or <i>Saisie Arrêt</i> before Judgment, or on any special declaration, in any personal action required by the Court,—	0	7	6	0	5	0	0	2	6	0	7	6
To Plaintiff's Attorney.....	0	7	6	0	5	0	0	2	6	0	7	6
For each copy, more than one, of any declaration, petition in intervention, or Opposition.....	0	2	6	0	2	0	0	1	3	0	2	6
In all Incidental Cross-demands, half the Fees allowed in Original actions for a like sum.	0	5	0	2	6	0	1	3	0	5	0	2
- For each Plea in writing ordered by the Court, including copy,—	0	12	6	0	10	0	0	5	0	0	12	6
To Defendant's Attorney.....	0	7	6	0	5	0	0	2	6	0	7	6
On each proceeding to take up the instance or to declare a Judgment executory, or for <i>Contrainte pur Corps</i> , to the Attorney prosecuting the same.....	0	0	0	0	0	0	0	0	0	0	0	0
And when over-ruled to the Attorney resisting the application.....	0	0	0	0	0	0	0	0	0	0	0	0
On a <i>Commission Rogatoire</i> , and on all proceedings relative thereto,—	0	10	0	0	5	0	0	2	6	0	10	0
To the Attorney suing out the same.....	0	5	0	0	2	6	0	1	3	0	5	0
And to the Attorney of the opposite party.....	0	0	0	0	0	0	0	0	0	0	0	0
To the Attorney employed by either party to attend to the execution of such commission.....	0	10	0	0	10	0	0	10	0	0	10	0

MONTREAL, 30th June, 1852.

EDWD. BOWEN, CHIEF JUSTICE,  
D. MONDELET, J. S. C.  
R. H. GAIRDNER, J. S. C.  
J. SMITH, J. S. C.  
G. VANFELSON,  
E. BACQUET, J. C. S.  
CHARLES MONDELET, J. S. C.  
J. DUVAL,  
W. C. MEREDITH, J. S. C.

Registered and entered at Quebec, this 20th July, 1852.

BURROUGHS & FISSET,

Proth. S. C.

SUPERIOR COURT

PROVINCE OF CANADA, {  
DISTRICT OF QUEBEC.

PROVINCE OF CANADA, {  
DISTRICT OF QUEBEC.

SUPERIOR COURT.

We, the undersigned, Joint Prothonotary, for the District of Quebec, of the Superior Court for Lower Canada, do hereby certify that the foregoing Table of Fees allowed to the Counsel, Advocates and Attorneys practising in the Circuit Court, is a true copy of the original Table of Fees for the said Circuit Court for Lower Canada, deposited of record in our Office, and duly registered and entered by us in the Registers of the said Court, on the twentieth day of July in the Year of Our Lord one thousand eight hundred and fifty two, pursuant to the provisions of the Law in such case made and provided.

PROTHONOTARY'S OFFICE,

Quebec,

18

P. S. C.

L O W E R C A N A D A .

# LOWE R C A N A D A .

## *Circuit Court—Appealable Cases.*

It is hereby ordered that the following fees be allowed to the Bailiffs of this Court for services to be performed from and after the day on which the present Tariff shall be entered by the Clerks of this Court in the Registers of the same, as by Law directed; and the Tariff of Fees for the Bailiffs of this Court, the original whereof was entered in the Register of the Superior Court at the City of Quebec, on the twenty-first day of December 1850, is hereby repealed in so far as regards services to be performed by the Bailiffs of this Court from and after the day on which the present Tariff shall be so entered in the Registers of this Court.

K

### *To the Bailiffs.*

	£	s.	d.
For the Service of any Writ of <i>Subpœna</i> or other Writ or Paper, not otherwise provided for, including return.....	0	1	0
For the Service of any Writ of Summons and return.....	0	2	0
For the Service of any Writ or other document required by law to be served personally, including return.....	0	2	6
For all proceedings on the arrest of any person, including return.....	0	10	0
For the Seizure and attachment of moveables, including Original <i>Procès Verbal</i> , and copy for the <i>Saisi</i> and <i>Guardian</i> , 12s. 6d.....	0	12	6
For every publication in both Languages at the Church door, including <i>Affiches</i> , affixing same, &c.....	0	2	0
For the Sale of Goods and Chattels, including <i>Procès Verbal</i> of sale and copy.....	0	7	6
For <i>Procès Verbal</i> of no Goods, including copy if required.....	0	2	6

	£	s.	d.
For a <i>Procès Verbal</i> of <i>Rebellion &amp; Justice</i> and copy .....	0	5	0
For all Services executing a Writ of Possession, including <i>Procès Verbal</i> .....	0	10	0
For a <i>Recors</i> , when required.....	0	2	0
If <i>Recors</i> necessarily occupied more than half a day at the rate of 3s. 4d. per day.	0	5	0
For the appointment of a new Guardian, when legally required so to do, including <i>Procès Verbal</i> , copy &c. In any case which in consequence of more persons than one being interested in the property seized or sold, an additional copy or copies of a <i>Procès Verbal</i> is or are necessary for each extra copy so required.....	0	1	3
If any paper to be prepared by a Bailiff necessarily contains more than 300 words, the additional words to be charged at the rate of 4d. per 100 words, in addition to the Fees herein before allowed.			
Mileage on the service or execution or of a Writ or of Process of any kind at the rate of one shilling per mile as heretofore, without any further charge for Mileage on any other Process to be served on the same party then in the hands of the Bailiff and which shall be or might have been served at the same time (whether such Process shall have been sued out by the same party or by any other) and without any charge for Mileage in returning. But exclusive of sums paid at Toll-gates, Ferries and Bridges. No Mileage to be allowed unless the distance exceed one mile.			

### Non Appealable Cases.

1st CLASS.	2nd CLASS.	3rd CLASS.
Actions not exceeding £10, but above £15, cy.	Actions £10, or under but above £15, but a-bove £6. 5s.	Actions £6. 5s. or under.
£	s.	d.

Mileage on the service or execution of a Writ or of Process of any kind, at the rate of six pence per mile, without any further charge for Mileage or any other Process to be served on the same party then in the hands of the Bailiff, and which shall be or might have been served at the same time, (whether such Process shall have been sued out by the same party or by any other) and without any charge but exclusive of sums paid at Toll-gates Ferries and Bridges.

shall be or might have been served at the same time, (whether such Process shall have been sued out by the same party or by any other) and without any charge but exclusive of sums paid at Toll-gates Ferries and Bridges.

Mileage on the service or execution of a Writ or of Process of any kind, at the rate of six pence per mile, without any further charge for Mileage or any other Process to be served on the same party then in the hands of the Bailiff, and which

above £10, ey.	£	s.	d.	£	s.	d.	£	s.	d.
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shall be or might have been served at the same time, (whether such Process shall have been sued out by the same party or by any other) and without any charge for Mileage in returning, but exclusive of sums paid at Toll-gates, Ferries and Bridges. No Mileage to be allowed unless the distance exceed one mile.

For the Service, Certificate or Return of such Writ or Process,.....

For the Seizure of Goods and Chattels, and all incidental trouble, but exclusive of

Mileage.....

For his Records .....

For the Sale of Goods and Chattels exclusive of Mileage .....

For Publishing the Notices of the Sale .....

For the Service of any Notice, and the Certificate and Return.....

Montreal, 30th June, 1852.

EDWD. BOWEN, CHIEF JUSTICE,

D. MONDELET, J. S. C.

R. H. GAIRDNER, J. S. C.

J. SMITH, J. S. C.

G. VANFELSON,

E. BACQUET, J. C. S.

CHARLES MONDELET, J. S. C.

J. D'IVVAL, J.

W. C. MEREDITH, J. S. C.

Registered and entered at Quebec, this 20th July, 1852.

BURROUGHS & FISSET,  
Prothy. S. C.

PROVINCE OF CANADA, }  
DISTRICT OF QUEBEC.

CIRCUIT COURT.

We, the undersigned, joint Prothonotary, for the District of Quebec, of the Superior Court for Lower Canada, do hereby certify that the foregoing Table of Fees to be allowed to the Bailiffs, in the Circuit Court for Lower Canada, is a true copy of the original Table of Fees to be allowed to the Bailiffs, in the said Court, deposited of record in our Office, and duly registered and entered by us in the Registers of the said Superior Court, on the twentieth day of July in the Year of Our Lord one thousand eight hundred and fifty two, pursuant to the provisions of the Law in such case made and provided.

PROTHONOTARY'S OFFICE,

Quebec,

18

[*Quebec:—Printed and Sold by T. Cary.*]

P. S. C.

P. S. C.

[*Quebec:—Printed and Sold by T. Cary.*]

